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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,499	03/08/2004	Richard J. Craven JR.	21876-00003	2498

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FOSTER, SWIFT, COLLINS & SMITH, P.C.
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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,499

Applicant(s)

CRAVEN ET AL.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1 – 21 have been examined.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “46” has been used to designate both top plate and spacer assembly. It is assumed, for continuing examination, that the item marked as 46 in figure 1 should actually be marked as item 56. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giarritta et al. (4,955,632) in view of Hale (5,762,358). Giarritta discloses safety fastenings for snowboards comprising:

- a first binding assembly (Fig. 1, item 2) including an actuator cover (Fig. 5, item 12);
- wherein said first binding assembly includes a first base plate (Fig. 4, item 16) and a top plate (Fig. 4, item 20);
- a second binding assembly (Fig. 1, item 2a);
- wherein said second binding assembly includes a second base plate (Fig. 4, item 16);
- wherein said second binding assembly includes a release lever operably connected to said first binding assembly (Figs. 9 – 11);
- wherein said release lever is movable from a first position and a second position (Figs. 9 – 11);
- wherein said second binding assembly includes a biasing element configured to bias said release lever into said first position (Fig. 7, item 25a);
- wherein said actuator cover is moved into said first second position when a user places weight on said actuator cover (Fig. 7);
- wherein the removal of weight from said actuator cover triggers said release lever (column 3, lines 10 – 15);
- wherein said actuator cover is moved into said first position when a user removes weight from said actuator cover (Fig. 6);
- wherein said second binding assembly includes a biasing element configured to bias said release lever into said first position (Figs. 9 – 11, item 6);

- wherein said release lever is movable between a locked position and a released position (Figs. 9 – 11);
- wherein said release lever is in said locked position when said actuator cover is in said second position (column 2, lines 60 – 65);
- wherein said release lever is in said release position when said actuator cover is in said first position (column 3, lines 10 – 15);
- said assemblies being connected to a top surface of a snowboard (Fig. 1);
- wherein said first binding assembly is operably connected to said second binding assembly with a connecting member (Fig.1, item 30) including a cable (Fig. 4, item 28);
- wherein said actuator cover is biased into an up position (Fig.5) via a spring element (Fig.5, item 13).

Giarritta makes use of the above described mechanism as a trigger for the release of a second boot when the first has separated from its binding. Giarritta does not disclose rotating bindings. Hale, however, discloses a binding mount for a snowboard comprising:

- a binding assembly (Fig. 2) including a rotating plate (Fig. 2, item 15);
- wherein said rotating plate is rotatable about an axis perpendicular to a top surface of a snowboard (Figs. 1 and 2);
- at least one curvilinear slot defining the travel path of the rotation of said rotating plate (Fig. 2, items 61 and 63);
- wherein said rotating plate is connected to a base plate (Fig. 2);

- wherein a release lever is received within a notch when in a locked position (Figs. 4 and 6);
- wherein a release lever is outside of said notch when in a released position (Figs. 4 and 6).

In regards to claim 15, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include said notch within said base plate, rather than in said rotating plate, in order to provide additional protection for said notch from the elements.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the binding triggering mechanism of Giarritta with the rotating binding of Hale in order to provide a hands free mechanism for releasing and locking the rotating binding.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Fauvet (5,054,807) discloses a releasable binding mechanism;
- Baud et al. (5,069,463) discloses a releasable binding assembly;
- Bogner et al. (5,085,455) discloses a sporting board with two boot bindings;
- Riedel (5,094,470) discloses a binding apparatus having linked binding assemblies;
- Carpenter et al. (5,190,311) discloses a snowboard binding system;

- Brisco (5,820,155) discloses a step-in binding system;
- Reynolds (6,102,430) discloses a dual-locking automatic positioning interface for a snowboard boot binding;
- Berger et al. (6,196,569) discloses a snowboard binding;
- Duggin (6,257,614) discloses a dynamic synchronous pivoting boot and foot mounting system for sporting boards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John D. Walters

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Examiner
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JDW



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